

EXPLANATORY MEMORANDUM TO
THE JUSTICES OF THE PEACE (TRAINING AND APPRAISAL)
(AMENDMENT) RULES 2007

2007 No. 1177

1 This explanatory memorandum has been prepared by the Directorate of Judicial Offices for England and Wales and is laid before Parliament by Command of Her Majesty.

2 Description

2.1 This instrument aims to preserve the current Magistrates' Area Training Committee (MATC) areas after the boundaries of Courts Boards areas, on which they are based are redefined on 1 May 2007.

3 Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4 Legislative Background

4.1 Rules governing the formation, membership etc of MATCs are set out in rules 16 to 21 of the Justices of the Peace (Training and Appraisal) Rules 2005 (the "2005 rules"). The 2005 rules were made by the Lord Chancellor pursuant to sections 10,18 and 19 of the Courts Act 2003. Rule 16(1) stipulates that, *From 1st January 2006, but subject to paragraphs (3) and (4), there shall be a Magistrates' Area Training Committee for each courts board area.*

4.2 As part of the reorganization of its area structure, Her Majesty's Court Service (HMCS) is reducing the number of Courts Boards from 42 to 23. Legislation dismantling the current boards and creating the new will be effective from 1 May 2007 (the Courts Boards Areas (Amendment) Order 2007 (S.I. 2007/1022)). Without any contrary secondary legislation, the area of responsibility for each MATC will also change.

4.3 These amendment rules, made pursuant to section 19 of the Courts Act 2003, aim to preserve the current MATC areas once the new courts boards are created. Power to make the rules has now passed to the Lord Chief Justice as a result of the Constitutional Reform Act 2005. The Lord Chief Justice has delegated his power to make these amendment rules to the Senior Presiding Judge (Leveson LJ) pursuant to section 20(3) of the Courts Act 2003.

5 Extent

- 5.1 The Regulations apply to England and Wales.

6 European Convention on Human Rights

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7 Policy Background

- 7.1 When Rule 16(1) of the 2005 Rules was drafted and consulted upon it was upon the basis that there were to be 42 courts board areas in England and Wales. Each area was widely acknowledged to be an appropriate size for the management of magistrate training. Were each MATC's area of responsibility to change in line with the new courts board areas, that would cause considerable difficulty and disruption both to the MATCs (which have been in existence themselves for only a year) and to the management of magistrate training in England and Wales. The proposal to retain the current MATC areas would cause minimum disruption to Committees and enable them to retain close links with their local benches.

8 Impact

- 8.1 No Regulatory Impact Assessment has been prepared because there is no regulatory impact on any part of the private or voluntary sector.

9 Contact

- 9.1 Any enquiries about the contents of this memorandum should be addressed to:
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